

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
OCT 13 2010
CLERK

VOLTAGE PICTURES, LLC,

Plaintiff,

vs.

DOES 1-5,000,

Defendants.

CIV. 10-MC-100

AFFIDAVIT OF MARJORIE L. JOHNSON

STATE OF SOUTH DAKOTA)
 : ss
COUNTY OF MINNEHAHA)

Marjorie L. Johnson, being first duly sworn on her oath, swears as follows:

1. I work in Subpoena Compliance for Midcontinent Communications, and I make the statements contained in this Affidavit on my own personal knowledge, unless otherwise specifically indicated.
2. Midcontinent Communications is a telecommunications company located in Sioux Falls, South Dakota, and its records are located here, as well. Midcontinent Communications provides, among other services, internet access to customers.
3. My position in Subpoena Compliance is located in Sioux Falls, South Dakota, and, in this position, I am responsible for accurate and timely processing subpoenas and court orders requesting documents or information from Midcontinent Communications. As we are a relatively small company, we have only one person, me, who handles response to subpoenas, and this is part time, in addition to my other duties.

4. I received the correspondence and subpoena attached to this Affidavit as Exhibit "A," when it was hand-delivered to Midcontinent Communications on September 29, 2010.

5. When delivered, the subpoena was accompanied by a check, payable to Midcontinent, in the amount of Three Hundred Fifty Dollars (\$350.00).

6. After the first subpoena had been faxed to Midcontinent, I had conducted a sample search upon a few of the IP addresses identified in the attached subpoena and initially believed it would take me approximately three and one-half (3 ½) hours to retrieve the IP addresses.

7. I attach a copy of Midcontinent Communications's Privacy Statement and 2010 Annual Notice to customers as Exhibits "B" and "C," respectively.

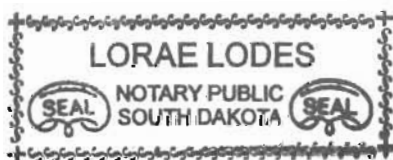
8. If Midcontinent were to not only locate the IP addresses identified in the subpoena, but were also to give prior reasonable notice to the customers of the disclosure of the account information, we believe Midcontinent's costs, per IP address, would be as described on the document attached hereto as Exhibit "D."

Further affiant sayeth not.

Dated at Sioux Falls, South Dakota, this 13th day of October, 2010.

Marjorie L. Johnson
Marjorie L. Johnson

Subscribed and sworn to before me this 13th day of October, 2010.



Lorae Lodes
Notary Public, State of South Dakota
My commission expires: **My Commission Expires Sept. 25, 2012**